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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/527,253

03/09/2005

Sebastian Hallensleben

P17536-US1

2834

27045

7590

04/28/2009

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EXAMINER

GYORFI, THOMAS A

ART UNIT

PAPER NUMBER

2435

MAIL DATE

DELIVERY MODE

04/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/527,253	Applicant(s) HALLENSLEBEN, SEBASTIAN	
	Examiner Thomas Gyorfi	Art Unit 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-4 and 7-17 remain for examination. The correspondence filed 2/17/09 amended claims 1, 4, 10-12, and 17.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/17/09 has been entered.

Response to Arguments

3. Applicant's arguments filed 2/17/09 have been fully considered but they are not persuasive.
4. With respect to the rejections of the claims under 35 USC 112, 2nd paragraph, Examiner submits that the amended specification and drawing(s) do not remedy the issue identified by the Examiner. Those of ordinary skill in the art would recognize that a network is not a single physical object but a collection of various computing devices (e.g. routers, gateways, servers, desktop computers, portable computers, etc.) connected together. The instant specification as amended only treats each of the networks as a black box, omitting any and all implementation details of what exactly

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constitutes said networks; thus it is unclear what component of the network actually would perform the limitations of "[requesting/generating/receiving] an identifier". The exact method by which the network performs these steps is important due to Applicant's insistence that the particular network arrangement disclosed by the prior art (specifically wherein the Inoue reference discloses that a user's computer is a member of a network, and it generates data to be transmitted to and received by a computer on a different network - see Figure 2) is somehow different from the "network" of the instant invention even though it is not possible to discern from the amended instant specification if such a distinction exists.

5. With respect to Applicant's argument that Anton discloses only a single network (page 9, top paragraph), Examiner disagrees. Examiner reminds the Applicant that one of the explicit goals of the Anton invention is "to provide a system and method of permitting mobile users to gain Internet access *via foreign data networks*" (col. 4, lines 24-26; emphasis Examiner's). If Applicant's interpretation of the Anton reference were held to be correct and that all computing devices disclosed therein are all part of the same single network, then Anton's invention would be seen to fail this stated goal. Nevertheless, as the access points employed by Anton may employ the well known technique of Network Address Translation (col. 7, lines 15-55; cf. Figures 4 & 5), one of ordinary skill in the art would have recognized that the point of this technique is to allow a plurality of computing devices on a local area network to access the wide-area network even when only one network connection is available on the WAN side. Furthermore, Figure 6 illustrates wherein network 129 is connected to the Internet 131,

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and that the various authentication components are not directly connected to network 129; accordingly, it should be immediately apparent that Applicant has erred in that Anton necessitates the use of at least two networks (network 129 and the Internet, the latter being by definition a plurality of computer networks all interconnected together) to grant access.

6. With respect to the Inoue reference, Applicant's argument is substantially similar to the arguments presented by the Applicant in the amendment of 7/7/08 and rebutted by the Examiner in the Final Office Action of 10/20/08 (see pages 2-3) and as discussed *supra* in response to Applicant's arguments against the rejections of the claims under 35 USC 112. In the cited passage of Inoue, the mobile computer belongs to the second (foreign) network, but needs information from its home (first) network to fully obtain access to the desired resources (e.g. the Internet). It is clearly a member of the second network (see Figure 2), and it generates the request for an identifier which is received by a computing element in the home network (as previously cited). From the perspective of the recipient device on the first network, the request has come from the second network; the fact that the specific device on said second network was the mobile computer itself – and not the gateway, home agent, etc. – that made the request is not relevant as the claims do not recite (nor does the instant specification support) a limitation that the mobile computer cannot be the component that makes the request for an identifier. Examiner thus submits that Inoue as cited teaches a second network making a request to a first network for an identifier and receiving said identifier. With respect to the new limitation of the identifier being “generated”, the Anton reference

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discloses wherein a new identifier representative of the client requesting access may be generated by the first network, to facilitate encryption during the disclosed registration process (col. 10, lines 30-35).

7. With respect to Applicant traversal of Official Notice and the use of cookies, Examiner reminds the Applicant that the Wikipedia reference explicitly teaches that a cookie is first generated by a server and sent to the browser (page 1, first sentence), and the server will send a cookie to a browser as part of a authentication/registration process (pages 1-2, "Purpose") - authentication and registration being the *raison d'etre* of both the Anton and Inoue inventions. The fact that a web browser may, subsequent to being registered for accessing another server or network, transmit the cookie back to the server falls well outside the scope of the claimed subject matter and is not relevant. Applicant's traversal of Official Notice is thus inadequate, and therefore the use of cookies is taken to be Applicant admitted prior art, as provided by MPEP 2144.03(c).

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 1-4 and 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anton et al (U.S. Patent 7,185,360) in view of Inoue et al. (U.S. Patent 6,163,843).

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Regarding claims 1 and 7:

Anton discloses a method and system for requesting access for a user to an application in a further network, wherein an entity providing said application can be accessed from at least through a first network and a second network, comprising: granting the user access to the second network (col. 8, lines 45-60; col. 9, lines 20-25); receiving a request for accessing the application from the user (Ibid); detecting that the user already contacted the application via the first network (col. 9, lines 20-45); receiving the requested identifier by the second network (Ibid, and col. 9, lines 45-65); and sending a request by the second network for accessing the application and the identifier received from the first network towards the entity providing the application (Ibid, and col. 10, lines 1-45).

Although Anton discloses the first network generating an identifier to identify the user (col. 10, lines 30-35), Anton does not explicitly disclose wherein requesting by the second network from the first network an identifier that has been used by the first network to identify the user towards the entity that provides the application. However, Inoue discloses an analogous system wherein a mobile device attempting to access a remote node from a foreign network may be authenticated by requesting an identifier from its home network (col. 10, lines 50-60; col. 11, lines 25-40; Figure 6). The claims are thus obvious because all of the elements were known in the prior art, and one of ordinary skill in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Examiner also wishes to note that, given that the application(s) to be accessed in at least the Anton invention are web applications, it is now accepted as Applicant-admitted prior art that the ability of a second network to detect that user already contacted the application from a first network was already quite well known in the art, and could be achieved through the use of common HTTP cookies (see the enclosed Wikipedia reference, particularly pages 2-3, "Privacy and anonymity").

Regarding claim 11:

Anton discloses a system for handling a user request towards an external application wherein a network node providing said application is accessible from a first computer network and a second communication network, said second communication network comprising: means for receiving an access request from said user wherein said access request is for accessing said application associated with said network node (col. 8, lines 45-60; col. 9, lines 20-25); means for determining that the user had previously attempted to access said application using said first communication network (col. 9, lines 20-45); and means for requesting access request to said network node from said second communication network using user information including an identifier generated by the first communication network (Ibid, and col. 9, line 45 – col. 10, line 45).

Anton does not explicitly disclose wherein the second communication network has means to request and subsequently receive said user information from the first communication network. However, Inoue discloses an analogous system wherein a mobile node connected to a foreign network attempting to access a service on a remote

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network will cause the foreign network to contact the mobile node's home network for user information (col. 10, lines 50-60; col. 11, lines 25-40; Figure 6). The claim is thus obvious because all of the elements were known in the prior art, and one of ordinary skill in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Examiner also wishes to note that, given that the application(s) to be accessed in at least the Anton invention are web applications, it is now accepted as Applicant-admitted prior art that the ability of a second network to detect that user already contacted the application from a first network was already quite well known in the art, and could be achieved through the use of common HTTP cookies (see the enclosed Wikipedia reference, particularly pages 2-3, "Privacy and anonymity").

Regarding claims 2 and 8:

Anton further discloses wherein the first and second network are run by a different operator (col. 11, lines 10-25).

Regarding claims 3, 9, and 14:

Inoue further discloses sending authentication information to the first network (Figure 6).

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Regarding claims 4 and 10:

Anton further discloses wherein the entity providing the service stores a profile of the user at reception of the first attempt of the user to access the service, wherein the profile is associated with the identification sent from the first network and wherein the second network uses the same identification for the user towards the entity providing the service in order to achieve that the stored profile is used for the user (col. 9, line 45 – col. 10, line 35; cf. col. 5, lines 5-20).

Regarding claim 12:

Anton further discloses wherein said user information includes user identification data used by said first communication network in communicating with said network node (col. 10, lines 15-35).

Regarding claim 13:

Anton further discloses wherein said user information includes user preference information used by said first communication network in communicating with said network node (using cookies: col. 5, lines 20-35).

Regarding claim 15:

Anton further discloses receiving an indicator from said user (col. 9, lines 25-45).

Regarding claim 17:

Inoue further discloses storing the identifier in the first network (col. 11, 20-45).

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Regarding claim 16:

Inoue further discloses means for determining that the user had been ported from said first communication network to said second communication network (col. 8, 27-32).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Gyorfi whose telephone number is (571)272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TAG

4/16/09

/Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435